

Remarks

In the Office action mailed August 9, 2005, Applicants' claims 1-2, 4-28, 34, and 35 were rejected. Claims 1-2, 4-10, and 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,101,477 ("Hohle et al.") in view of U.S. Pat. No. 5,815,665 ("Teper et al."). Claims 11-20, 24-28, and 34-35 were rejected under § 103(a) as being unpatentable over Hohle et al. in view of Teper et al. and further in view of U.S. Pat. No. 5,909,023 ("Ono et al."). The abstract was also objected to for being over 150 words. This objection and each of these rejections will be discussed below.

Objections

In the Office action, the abstract was objected to because it was over 150 words. Applicants have amended the abstract so that it does not exceed 150 words. A replacement abstract is included with this response as required by 37 C.F.R. § 1.72. Applicants request this objection be withdrawn.

§103(a)

In order for a claim to be obvious, there must be some suggestion or motivation, in either the cited references or in the knowledge generally available to one of skill in the art, to modify the reference or to combine reference teachings. See MPEP § 2143. Applicants assert that this requirement for a prima facie case of obviousness have not been met and therefore Applicants' claims are allowable.

*Claim 1*

In the Office action, claim 1 was rejected as unpatentable over Hohle et al. in view of Teper et al. According to the Office action, "It would have been obvious to

incorporate the method of maintaining confidential data at the broker's database in the manner as taught by Teper in the system as taught by Hohle." Office action, 4. Applicants assert that claim 1 is not obvious because there is no suggestion to combine these reference teachings because Hohle et al. teaches away from Applicants' claimed limitations.

Hohle et al. teaches away from Applicants' claimed limitations of using a broker to conduct a transaction between a user and an agency and "the broker using said selected information to conduct a transaction between said agency and said user without revealing said selected, transmitted information to said agency." Claim 1. Hohle et al. does not teach or suggest using a broker to conduct a transaction and, in direct contrast to Applicants' claim, specifically teaches that agencies receive information provided by the user. See, e.g., Hohle et al., col. 26, ln. 56-59. In addition, Hohle et al. specifically teaches that each agency has access to data regions of the user's smartcard. See id., col. 6, ln. 8-10. Hohle et al. clearly teaches away from Applicants' claimed limitations of having a broker conduct a transaction between a user and an agency and not revealing information to the agency. Therefore, since the teachings of Hohle et al. and Teper et al. clearly conflict, there is no suggestion to modify the teachings of Hohle et al. with the teachings of Teper et al. Applicants' claim is therefore not obvious. Applicants request a withdrawal of the rejection.

*Claim 2, 4-28, and 34-35*

Applicants' claims 2, 4-28, and 34-35 were also rejected as obvious. These claims depend directly or indirectly from independent claim 1. Applicants have shown above that independent claim 1 is not obvious. Therefore, if independent claim 1 is not obvious, its dependent claims are also not obvious for at least the same reasons.

Conclusion

Applicants have shown the pending claims are not obvious in light of the cited references. Therefore, a Notice of Allowance is requested.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Respectfully submitted,

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